IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.170 OF 2005

In the matter of appointment
of guardian of minors namely
1. Kumari Namrata Vilas Walunj
2. Kumari Arati Vilas Walunj
3. Kumar Vishal Vilas Walunj

.....Minors.

Mr.Malhari Bapu Walunj .....Petitioner.

Mr.Suresh More for the Petitioner.

CORAM : S.J. VAZIFDAR, J.
DATED : 16TH JANUARY, 2006

P.C. :

The paternal grandfather of the Petitioner seeks to be appointed as the guardian of three minor children aged 13, 10 and 7 years respectively.

2. The father and mother of the minor children died on 3.10.2002 and 28.6.2004 respectively. The procedure has been complied with. Pursuant to the notice under section 11, the paternal and maternal uncles have filed affidavits stating that they have no objection to the Petitioner being appointed as the guardian of the said minor children. There is no other opposition to the Petition.

3. The father of the children was employed with the B.M.C. The B.M.C. has been paying the pension to the Petitioner as guardian of the minor children and the same is deposited in the State Bank of India, as stated in paragraph 7 of the Petition. The Provident Fund dues of the father however have not been paid.

4. In view of the aforesaid facts and in view of the fact that the minor children have been residing with and been looked after by the Petitioner, I see no reason not to appoint the Petitioner as their guardian.

5. In the circumstances, the Petition is made absolute in terms of prayers (b), (c) and (d). Liberty to apply for withdrawal of further amounts in case of necessity.

6. Petition is disposed of accordingly.

All parties are directed to act on an authenticated copy of this order.